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MOVANT-OBJECTOR-CLASS MEMBER

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

IN RE: OPTICAL DISK DRIVE PRODUCTS)	No. 3:10-md-2143 RS (JCS)
ANTITRUST LITIGATION.)	
)	
<i>This Document Relates to</i>)	
)	
)	
ALL INDIRECT PURCHASER ACTIONS.)	RESPONSE TO THE PROPOSED
)	ORDER RE: SECOND
)	DISTRIBUTION
)	
)	

Pat Zheng Zhen ("PZZ"), class member, objector and responds to Class
Counsel's Proposed Order re: Second Distribution:

As to the Second Distribution, this Court should approve the proposed plan by
Class Counsel and allow them to proceed.

As to the remaining funds after that distribution, this Court should defer a
ruling until Class Counsel submits its report. While it may be the case that the funds
will be so low that *cy pres* is appropriate, until they complete the second distribution
and report it, it is premature to make that decision.

Furthermore, originally Class Counsel stated that the remaining funds would
be distributed to the Attorney General of California as *cy pres* to aid their antitrust
enforcement, now they state it would be "escheated."¹ Obviously, Class Counsel's

¹ It is possible that Class Counsel simply made a misstatement and that they planned on following the
original plan to provide the funds to the Antitrust Division of the California Attorney General for

use of this term is what leads to confusion, *see, e.g.,* Shiyang Huang's *Statement to Proposed Order*, Entry 3115 (explaining escheat in federal actions are administered by the United States Treasury not by the state).

Of course, the funds cannot simply be escheated in bulk as Class Counsel miswrote in the Proposed Order. Class Counsel would need to clarify the language on the Order so as not to create a situation where parties believe funds may be escheated in their names, especially if the amount remaining amounts to pennies per claimant.

These are all questions for after the report from the Second Distribution.

Respectfully submitted,

/s/ Pat Zheng Zhen

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enforcement. It is unclear if California agreed to take the funds, which is another reason this Court should defer the question until later.